



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
www.raleighnc.gov

**Case File:** A-47-17

**Property Address:** 1117 South Person Street

**Property Owner:** Spell Grounds, LLC

**Project Contact:** Timothy Smith

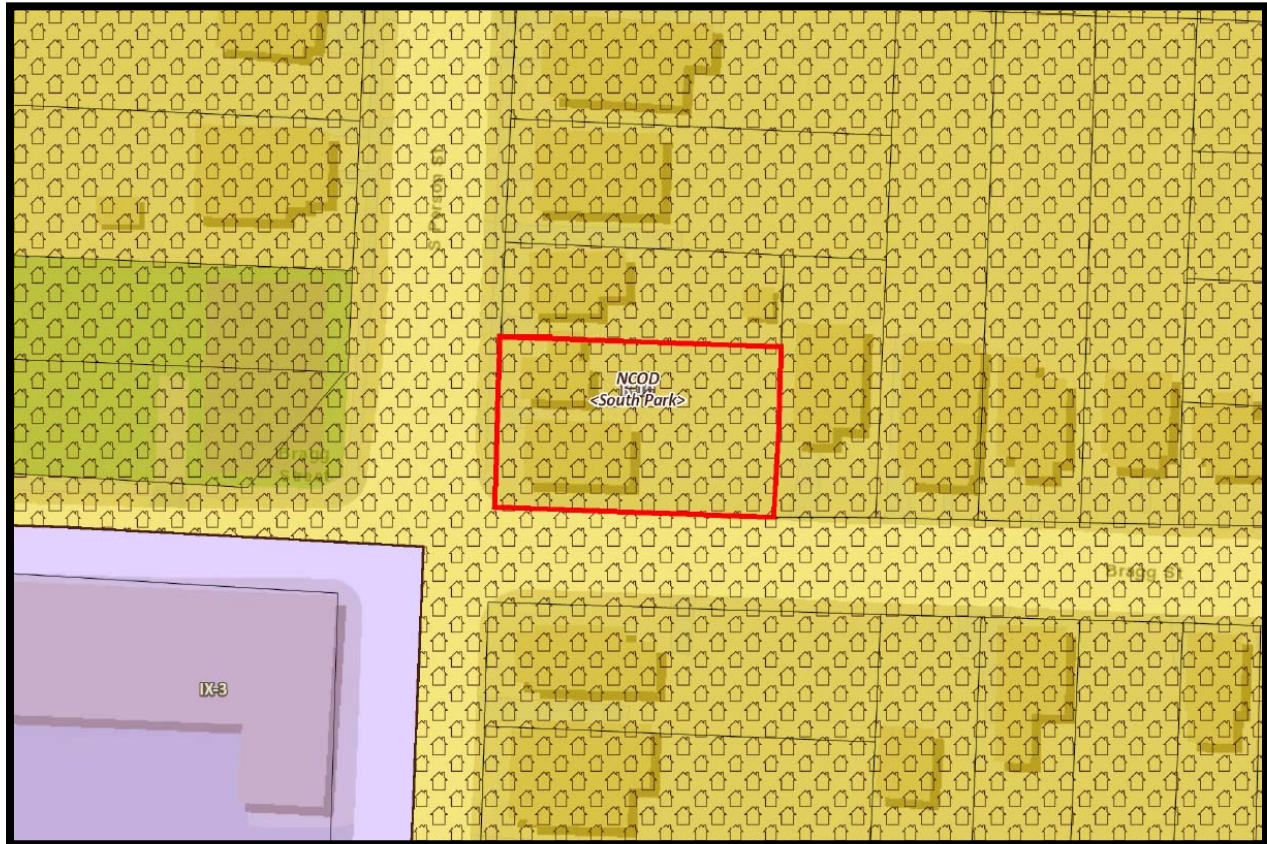
**Nature of Case:** A request for a 4' variance to the minimum lot depth requirement set forth in Section 2.2.1. of the Unified Development Ordinance in order to subdivide one lot into two detached house building lots which results in two 56' deep lots being created out of a .17 acre parcel zoned Residential-10 and Neighborhood Conservation Overlay District (South Park) located at 1117 South Person Street.



**1117 South Person Street – Location Map**

**To BOA:** 4-10-17

**Staff Coordinator:** Eric S. Hodge, AICP

**ZONING****DISTRICTS:** Residential-10 and Neighborhood Conservation Overlay District (South Park)**1117 South Person Street – Zoning Map**

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that

circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance; such that public safety is secured and substantial justice is achieved.

**Zoning District Standards:** The subject property is zoned Residential-10 and Neighborhood Conservation Overlay District

**Residential-10  
Lot Dimensions**

Area (min)	4,000 SF
Width – interior lot (min)	45
Width – corner lot (min)	60'
Depth -	60'

<b>Yard Type</b>	<b>Minimum Setback</b>
Primary Street	10'
Side Street	10'
Side	5'
Sum of Sides	10'
Rear	20'

**South Park NCOD**

- a. Minimum lot size: 3,000 square feet.
- b. Maximum lot size: 8,000 square feet.
- c. Minimum lot width: 40 feet.
- d. Maximum lot width: 80 feet.
- e. Front yard setback: Within 10% of the average front yard setback established by buildings on the same side of the block face of the proposed building, but not less than 8 feet or greater than 30 feet.
- f. Building entrance: The main building entrance shall face the street from which the building is addressed. No upper story entrance shall be visible from an adjacent public street right-of-way.
- g. Maximum building height: 25 feet.
- h. Off-street parking: Parking shall be located to the side or rear of the building. With the exception of single-unit living, no parking areas shall be located in front

of any principal building. Single-unit living parking shall be regulated according to Article 7.1.

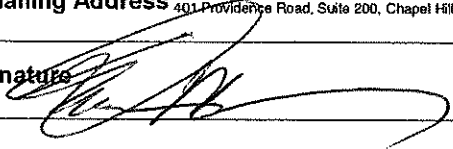
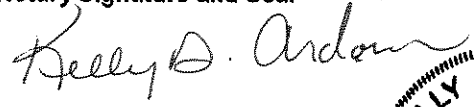
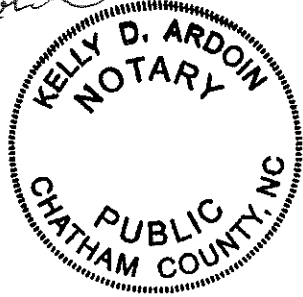
# Application for Variance

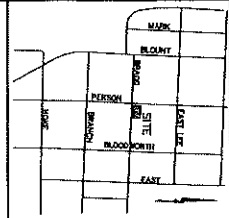


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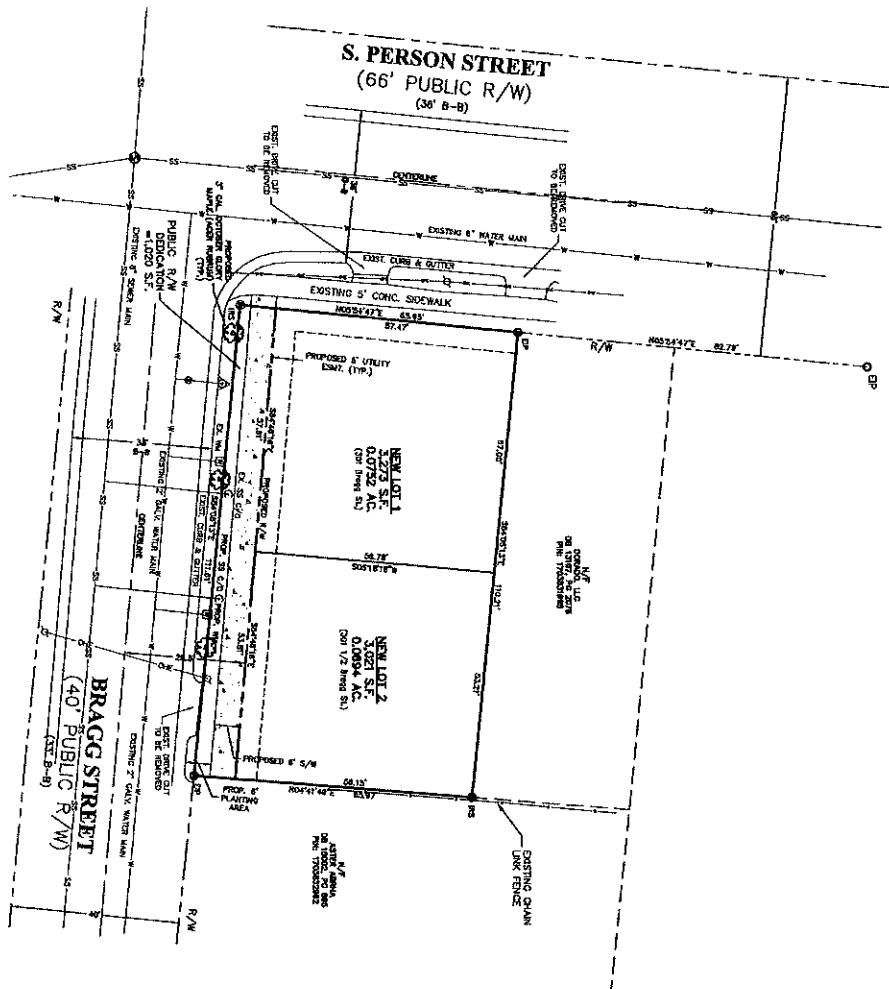
Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<b>Nature of variance request (if more space is needed, submit addendum on separate sheet):</b> This application is to request a variance from the minimum lot depth requirement of the R-10 zoning. The existing lot depth meets the 60-ft. min. lot depth requirement, but due to the required additional right-of-way dedication by the public works department the depth can no longer be met. After the right-of-way dedication, the lot depths will be between 56-57 feet. Due to these conflicting ordinance requirements, we respectfully request a variance from the minimum lot depth requirement.	<b>Transaction Number</b>  A-47-17
<b>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</b>  A Preliminary Development Plan Application was submitted on 2/9/16. Case number S-8-2016 and transaction number 461822.	

GENERAL INFORMATION		
Property Address <b>1117 South Person Street</b>		Date <b>03/09/17</b>
Property PIN <b>1703831980</b>	Current Zoning <b>R-10</b>	
Nearest Intersection <b>S. Person Street &amp; Bragg Street</b>		Property size (in acres) <b>0.17</b>
Property Owner <b>Spell Grounds, LLC</b>	Phone (215) 910-2564	Fax
Owner's Mailing Address <b>15 Tuxedo Court, Marlton, NJ 08053</b>	Email <b>dwalker@pennoni.com</b>	
Project Contact Person <b>Timothy Smith</b>	Phone (919) 929-1173	Fax (919) 493-6548
Contact Person's Mailing Address <b>401 Providence Road, Suite 200, Chapel Hill, NC 27514</b>	Email <b>tsmith@pennoni.com</b>	
Property Owner Signature 	Email <b>dwalker@pennoni.com</b>	
Notary  Sworn and subscribed before me this <u>9<sup>th</sup></u> day of <u>March</u> , 20 <u>17</u>	Notary Signature and Seal    Com. expires 10-22-2021	



VICINITY MAP  
(NOT TO SCALE)



**Preliminary**  
03/10/2017 8:50:05 AM  
**For Review**  
03/10/2017 8:50:08 AM

- LEGEND**
- EXISTING IRON PIPE
  - EXISTING IRON ROD
  - IRON ROD SET
  - POWER POLE
  - SANITARY SEWER MANHOLE
  - OVERHEAD ELECTRIC LINE & POLE
  - RIGHT-OF-WAY LINE
  - EXIST. WATER LINE
  - EXIST. SEWER LINE

- UTILITY NOTES:**
1. NEW WATER SERVICE TO BE 8" COPPER WITH 8" WATER METERS.
  2. NEW SEWER SERVICE TO BE 4" PVC 4" 1.05 MN.
  3. SANITARY SEWER SERVICE NOT TO BE PAID FOR BY THE SUBDIVIDER.
  4. SITE SHALL BE ABANDONED AT MAIN & REMOVED PROPERLY.

- NOTES:**
1. A FEE-IN-LIEU TO BE PAID FOR THE REMOVAL OF EXISTING TREES ALONG S. PERSON STREET.
  2. THE EXISTING PARCEL IS VACANT.

**SUBMITTAL DATA**

DESIGN STREET: S. PERSON STREET  
PROPOSED R/W = 66'  
EXISTING B-B STREET WIDTH = 36'  
PROPOSED B-B STREET WIDTH = 36'  
EXISTING SIDEWALK = 5' WIDE  
PROPOSED SIDEWALK = 5' WIDE  
(72'-0" ALI TO BE PAID FOR ADDITIONAL 1' OF SIDEWALK ALONG PERSON STREET)

**BRAGG STREET:**  
EXISTING R/W = 40'  
PROPOSED R/W = 3' OF 15' R/W  
PROPOSED B-B STREET WIDTH = 33'  
EXISTING SIDEWALK = (NONE)  
PROPOSED SIDEWALK = 5' WIDE



**CIVIL ENGINEER**

PHILIP POST & ASSOCIATES  
401 PROVIDENCE ROAD SUITE 200  
CHAPEL HILL, NC 27514  
ATT: TIMOTHY A. SMITH, PLS, PE  
TEL. (919) 929-1173

**APPLICANT**

SPILL GROUNDS, LLC  
15 TUXEDO CT.  
MARLTON, NJ 08053  
ATTENTION: DARWIN WALKER  
TELEPHONE: (215) 910-2564

**PROPOSED SUBDIVISION PLAN**

**PRELIMINARY SUBDIVISION PLAN**  
1115/1117 S. PERSON STREET

CITY OF RALEIGH

WAKE COUNTY, N.C.

**PHILIP POST & ASSOCIATES**

A Division of Pennoni  
Firm License F-1287

**ENGINEERS PLANNERS SURVEYORS**  
461 Providence Rd. #200  
Chapel Hill, NC 27514  
919.929.1173  
919.493.2600

**REVISIONS**

1. 5/14/16: REVIEW #1 COMMENTS
2. 6/20/16: REVIEW #2 COMMENTS
3. 8/26/16: REVIEW LOT AREAS
4. 9/21/16: WOOD PLANTING STRIP TO 6"
5. 12/05/16: ADD STREET TREES AND NOTES
6. 1/27/17: FINAL RESPONSE FOR APPROVAL
7. 1/30/17: REVIEW #3 COMMENTS

**SCALE 1"=20'**

DRAWN BY: DC  
CHECKED BY: TAS  
DATE: 3/10/2017  
PROJECT NO. DWK1501  
DRAWING NO. C88SP01

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SHEET 3 OF 3

Owner	Address1	Address2
SPELL GRO	15 TUXEDC	MARLTON NJ 08053-5602
CAROLINA	PO BOX 52	ATLANTA GA 30355-0427
RALEIGH CI	PO BOX 59	RALEIGH NC 27602-0590
RALEIGH CI	PO BOX 59	RALEIGH NC 27602-0590
PETIE INVE	1105 S PER	RALEIGH NC 27601-2650
DERBAKOV	1113 S PER	RALEIGH NC 27601-2650
NKHBM LL	(23 GLEN LA	CLAYTON NC 27527-7574
MULDROW	603 SAINT	RALEIGH NC 27610-3754
ONNIPAUP	7424 CHAP	RALEIGH NC 27607-5041
ABRHA, AS	340 GILMA	RALEIGH NC 27610-2492
SANDERS, (	119 S TARB	RALEIGH NC 27610-2662
PULLEY, JE	2909 FILBE	RALEIGH NC 27610-5397
JOHNSON,	307 BRAGG	RALEIGH NC 27601-2629
MONTAGU	1111 S PER	RALEIGH NC 27601-2650
NEGRO, AL	1109 S PER	RALEIGH NC 27601-2650

